Submission template

### Review of the Approved Financial Dispute Resolution Scheme Rules

### Instructions

This is the template for those wanting to submit their response to the *Review of the Approved Financial Dispute Resolution Scheme Rules* discussion document.

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the issues raised by 5pm on Thursday, 6 May 2021. Please make your submission as follows:

1. Fill out your name, organisation and contact details in the table, “Your name and organisation”.
2. Fill out your responses to the discussion document questions in the table, “Responses to discussion document questions”. Your submission may respond to any or all of the questions in the discussion document. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.
3. If you would like to make any other comments that are not covered by any of the questions, please provide these in the “Other comments” section.
4. When sending your submission, please:
	1. Delete this first page of instructions.
	2. If your submission contains any confidential information:
		1. Please state this in the cover page or in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act.
		2. Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).

Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 2020 also applies.

1. Send your submission as a Microsoft Word document to DRSreview@mbie.govt.nz

Please direct any questions that you have in relation to the submissions process to DRSreview@mbie.govt.nz.

Submission template

### Review of the Approved Financial Dispute Resolution Scheme Rules

### Your name and organisation

|  |  |
| --- | --- |
| **Name** |  |
| **Email** |  |
| **Organisation/Iwi** |  |

[Double click on check boxes, then select ‘checked’ if you wish to select any of the following.]

[ ]  The Privacy Act 2020 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

[ ]  MBIE intends to upload submissions received to MBIE’s website at [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on MBIE’s website because… [Insert text]

### Please check if your submission contains confidential information:

[ ]  I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because… [Insert text]

|  |  |
| --- | --- |
|  | What is your feedback on the proposed objective and criteria for the review? What is your feedback on the proposed weighting of the criteria? |
|  | *[Insert response here]* |
|  | ***Financial cap*** |
|  | Are you aware of any instances of consumer harm due to the issues outlined? |
|  | *[Insert response here]* |
|  | Do you have any feedback on the problems outlined? |
|  | *[Insert response here]* |
|  | **Option one: set the primary jurisdictional and redress cap at $350,000** |
|  | Do you have any feedback on this option? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | **Option two: introduce a weekly alternative to a lump sum cap** |
|  | Do you have any feedback on this option? |
|  | *[Insert response here]* |
|  | Do you agree that a weekly payment alternative should be introduced for all schemes? Why/why not? |
|  | *[Insert response here]* |
|  | Is $1,500 an appropriate weekly payment alternative? Why/why not? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | **Other potential issues with inconsistent awards** |
|  | Do you have any feedback on the problems outlined?  |
|  | *[Insert response here]* |
|  | If a consistent special inconvenience award was to be introduced, in what circumstances should it be awarded? Should this be discretionary, or strictly prescribed?  |
|  | *[Insert response here]* |
|  | If an interest award was to be introduced how should it be calculated? |
|  | *[Insert response here]* |
|  | What are the benefits and costs of the options? |
|  | *[Insert response here]* |
|  | ***Timing of membership & jurisdiction*** |
|  | Are you aware of any specific situations where providers have switched between schemes resulting in the situation described above? If so, what happened? |
|  | *[Insert response here]* |
|  | Do you agree with the potential problems that may occur as a result of inconsistent scheme rules about the timing of membership/jurisdiction? |
|  | *[Insert response here]* |
|  | **Option one: require all schemes to consider claims about current claims about current members, even if the issue arose prior to membership** |
|  | Do you have any feedback on this option? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | **Option two: require schemes to consider complaints where the issue occurred when the provider was a member of the scheme, even if they are no longer a current member** |
|  | Do you have any feedback on this option? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | ***Applicable time periods (limits) for bringing a claim*** |
|  | Do you any feedback on the problems outlined? |
|  | *[Insert response here]* |
|  | Are you aware of instances of consumer harm from the problems outlined? |
|  | *[Insert response here]* |
|  | **Option one: limit time period I to a maximum of two months** |
|  | Do you have any feedback on the option? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | **Option two: create a consistent time period II of three months after deadlock** |
|  | Do you have any feedback on this option? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | **Option three: introduce discretion to hear a complaint after time period II** |
|  | Do you have any feedback on the option? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
|  | **Option four: consistent limit for time period III** |
|  | Of the four schemes, which way of outlining time period III is preferable? Why/why not? |
|  | *[Insert response here]* |
|  | Are there any other costs or benefits of this option? |
|  | *[Insert response here]* |
| **Other Comments**  |
| *[Insert response here]* |